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November 22, 2022

VIA ECF

Hon. Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Edelman v. NYU Langone Health System, et al.*
Case No. 1:21-cv-00502 (LGS)(GW)

Dear Judge Schofield:

We represent defendants NYU Langone Health System, NYU Langone Hospitals, and NYU Grossman School of Medicine, a Division of New York University f/k/a “NYU Hospitals Center” s/h/a “NYU Langone Medical Center,” “NYU Langone Nassau Rheumatology,” “NYU School of Medicine,” “NYU Grossman School of Medicine,” and “NYU Hospitals Center,” as well as individually named defendants Andrew T. Rubin, David Kaplan, Joseph Antonik and Joshua Swirnow (collectively, “Defendants”) in the above-referenced case.

Pursuant to Rule B.2 of Your Honor’s Individual Rules and Procedures, we write to respectfully request an extension of the time for Defendants to file a letter in opposition to Plaintiff’s letter motion dated November 21, 2022, (Dkt. 165), which seeks leave to file a second amended complaint, to and including Friday, December 9, 2022. In the absence of such extension Defendants opposition to Plaintiff’s letter motion would be due on November 28, the Monday after Thanksgiving.

This is Defendants’ first request for an extension of time to file such opposition to Plaintiff’s letter motion. The request is necessitated by the facts that the cause of action that Plaintiff belatedly seeks to add would raise Defendants’ potential exposure for damages of liquidated damages of double of any potential recovery to quadruple the amount of any recovery. Given the potential significance of this substantive change, Defendants need additional time to properly research the myriad of issues raised by Plaintiff’s letter motion, including the timeliness of the motion, whether plaintiff has a proper basis for the motion, whether the new claim will affect the defenses Defendants have pled and relied upon in the defense of this action, whether Defendants have additional defenses, whether the new claim will require additional discovery, and whether Defendants would be prejudiced by Plaintiff’s new cause action. The deadline to amend the pleadings expired over a year ago. Moreover, discovery has long been completed and dispositive motions have been decided. A trial date is scheduled for May 20, 2023.

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Further, such extension is necessitated by the fact that plaintiff has filed her letter motion virtually on the eve of the Thanksgiving holiday while attorneys who have been working on this case are out of the office (or out of the country) and where consulting with clients would be exceedingly difficult if not impossible. The Plaintiff would not be prejudiced by granting the extension sought by Defendants.

Defendant's counsel has contacted plaintiff's counsel in an effort to obtain plaintiff's consent to this extension request but has been unable to obtain such consent in sufficient time to file this request for an extension. We note parenthetically that Plaintiff's letter motion (Dkt. 165) omits the fact that Defendant's do not consent to Plaintiff's proposed motion.

This extension request will not alter any other pending dates scheduled by the Court.

We thank the Court for its time and consideration.

Respectfully submitted,

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